

AMENDMENTS TO THE DRAWINGS

Please replace existing figures 3-4 and 7-8 with the replacement drawings attached. The figures have been amended to include reference numbers 89 and 91. Reference numbers 89 and 91 have been added by the amendments to the specification to the preexisting descriptions of the first and second lifters, respectively. No new matter has been added.

REMARKS

Drawing Objections

The Examiner has objected to the drawings under 35 CFR 1.83(a) for failing to show every feature of the claimed invention, namely the lifters. The lifter(s) claimed comprise multiple components shown in the figures and described in the specification. For example, “[t]he first lifter has a pair of vertically extending arms 90 (see Figs. 3-4) operable to extend and retract from housing 54 in response to operation of the first driver.” (paragraph 00038 of the Application). Also, “[t]he second lifter also has a pair of vertically extending arms 134 (see Figs. 7-8) operable to extend and retract from housing 55 in response to operation of the driver.” (paragraph 00044 of the Application.) To clarify that the lifters are illustrated in the drawings as filed, the specification and drawings have been amended to include references 89 and 91 for the first and second lifters respectively. The Applicant respectfully submits that the lifter feature is therefore adequately illustrated in the drawings as filed and one skilled in the art would understand the operation of the lifter as disclosed in the specification with reference to the drawings as filed. No new matter has been added. Thus, the objection to the drawings is believed to be overcome.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1-11 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Applicant respectfully traverses this rejection. Claim 1 claims “a pair of modules that are coupleable together to form a cart and that are separable for attachment to different portions of the suspension system.” The Examiner explains the rejection as follows: “As understood the modules are not attachable to different portion of the suspension system; they are attached to the ends of the suspension system and pivotally adjusted thereon.” September 27, 2005 official action, pg. 3, ll. 10-12.

Claim 1 is only limited to modules that are “separable for attachment to different portions of the suspension system.” While in the illustrative embodiment, the coupling of the modules is to ends of the arms of the suspension system, the illustrative embodiment is only illustrative of the invention and not limiting.

As the U. S. Supreme Court stated in Markman v. Westview Instruments, 517 U. S. 370 (1996), the patent document must include a specification which describes the invention in a clear and exact manner to enable a person skilled in the art to make and use the invention and a claim to define the patent scope. Markman, 517 U.S. at 373. The Applicant in the present case has clearly claimed as his invention, *inter alia*, modules that are “separable for attachment to different portions of the suspension system.” The specification clearly describes the invention in a manner that enables a person skilled in the art to make and use the invention. This meets the requirements of Markman and 35 U. S. C. § 112. In the illustrative embodiment, the modules are attached to ends of arms of the suspension system. This is only an illustrative embodiment with the arms serving as the “portions” of the suspension system. Thus, claim 1 particularly points out and distinctly claims the invention.

In view of this explanation, the Examiner’s proposed amendment of claim 1 would unnecessarily narrow claim 1 in light of the prior art of record. Claim 1 is in condition for allowance in view of the prior art of record. Claims 2-11 depend from claim 1 and are allowable on at least this basis. Allowance of claims 1-11 is respectfully requested.

Allowable Subject Matter

The Examiner indicated that claims 12-20 are allowed. The Examiner has suggested that claims 12-20 be further amended for clarity. Applicant respectfully declines to amend claim 12 to include the limitation of “pivotally” coupling as this limitation is not necessary in light of the art of record, for the reasons articulated above. Claim 12 has been amended to add the limitation “to move the modules to a different location” and to add the word “the” in referencing the first arm assembly to make the claim grammatically correct. Allowance of claims 12-20 is respectfully requested.

Further Action

In the event that there are any questions related to this amendment or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned. The Examiner is invited to call the undersigned at (317) 231-7285 to discuss any outstanding issues or concerns so that allowance of the present application may be expedited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our file 7175-73835.

Respectfully submitted,



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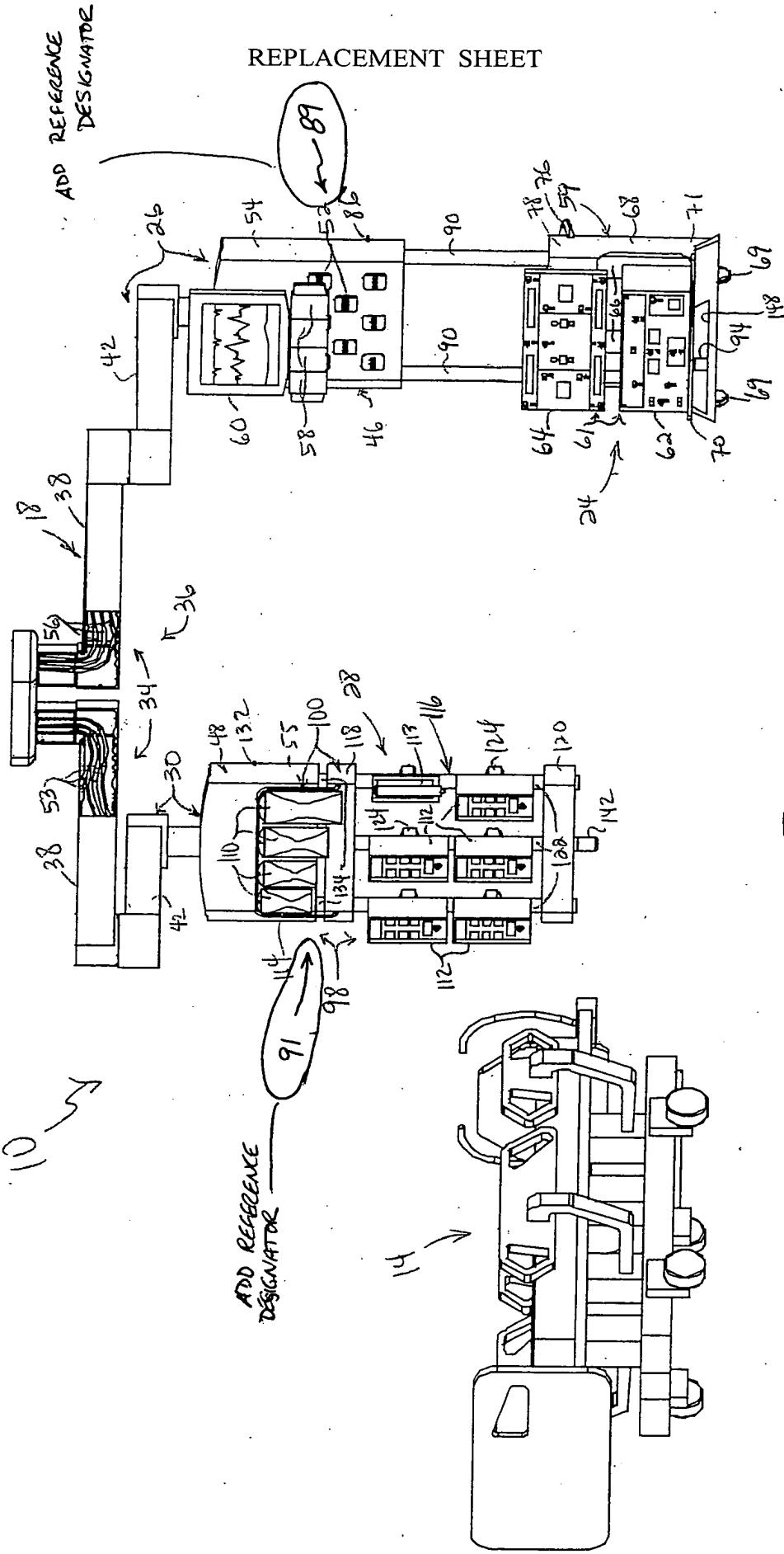
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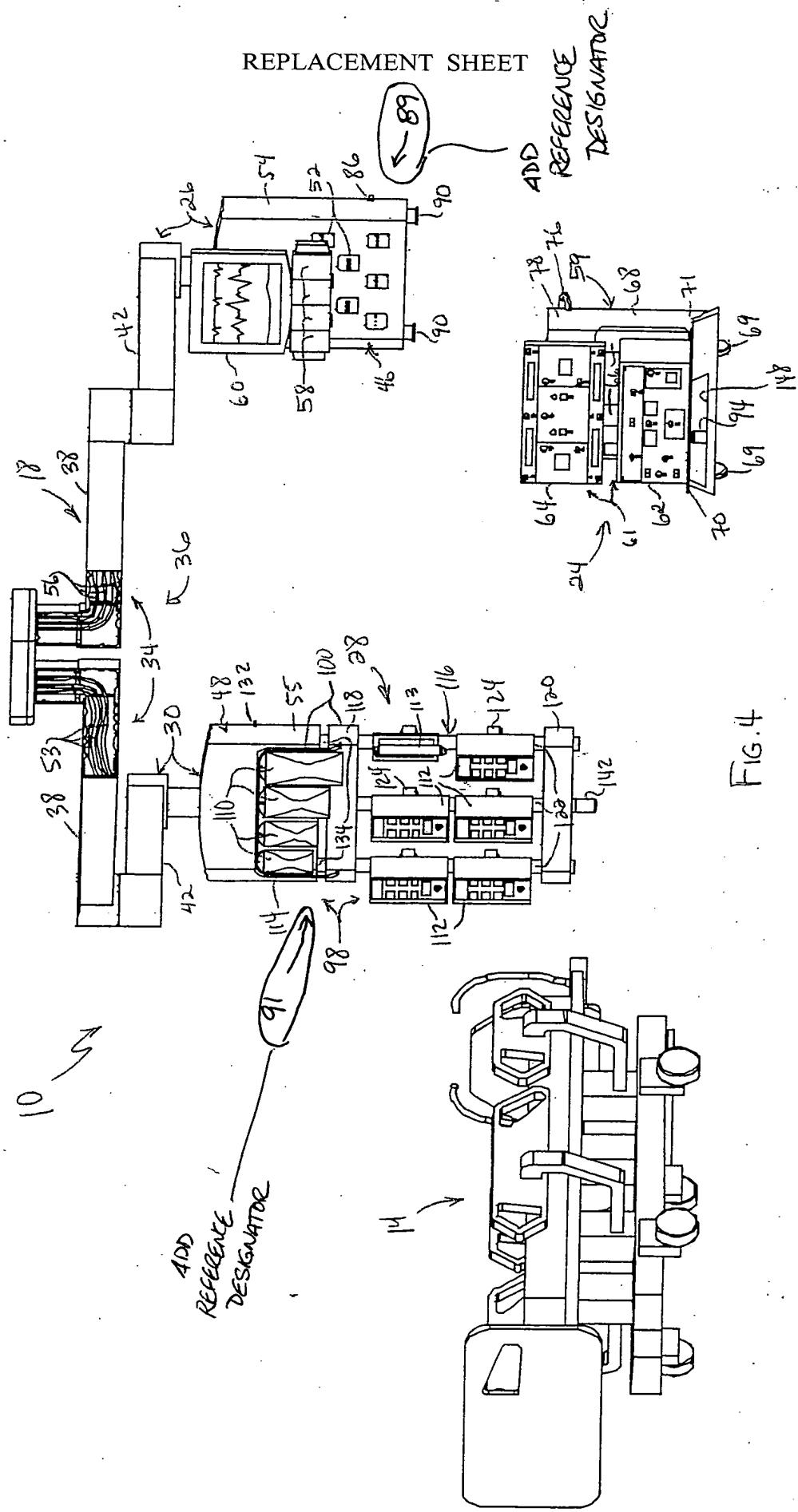
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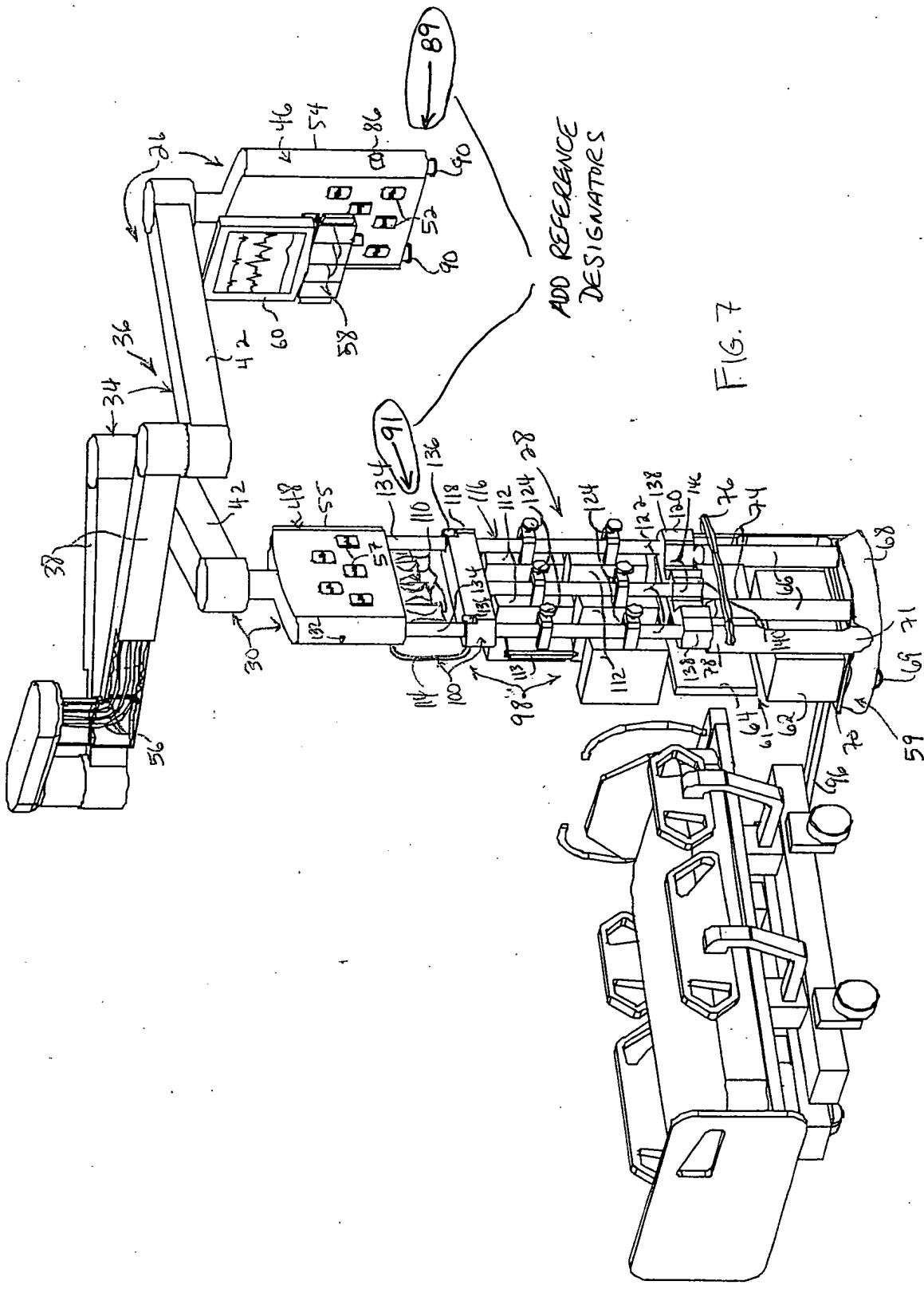
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